

EXHIBIT R

In the Matter Of:

IN RE PORK ANTITRUST LITIGATION

JENNIFER SULLIVAN

April 15, 2022



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1 UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

2

3 Court File No. 0:18-cv-01776-JRT-HB

4

5 IN RE:

6 PORK ANTITRUST LITIGATION

7 _____/

8

9 ORAL VIDEOTAPED DEPOSITION

10 JENNIFER SULLIVAN

11 APRIL 15, 2022

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13 ORAL VIDEOTAPED DEPOSITION OF JENNIFER SULLIVAN, via

14 Zoom, produced as a witness at the instance of the

15 Defendant Seaboard Foods, LLC and Seaboard Corporation,

16 and duly sworn, was taken in the above-styled and

17 numbered cause on the 15th day of April, 2022, from

18 10:32 a.m. to 2:05 p.m., before Melinda Barre, Certified

19 Shorthand Reporter in and for the State of Texas,

20 reported by computerized stenotype machine, all parties

21 appearing remotely via web videoconference, pursuant to

22 the rules of procedure and the provisions stated on the

23 record or attached hereto.

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1 APPEARANCES

2 (ALL APPEARED VIA ZOOM VIDEO CONFERENCE.)

3

4 FOR THE CONSUMER INDIRECT PURCHASER PLAINTIFFS

5 AND THE WITNESS:

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12

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14

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16 STINSON LLP

17 50 South Sixth Street, Suite 2600

18 Minneapolis, Minnesota 55402

19 Telephone: 612.335.1500

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21

22 ALSO PRESENT: Jonathan Cruz, Videographer and

23 Document Technician

24

25

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1 THE VIDEOGRAPHER: We are on the record on

2 April 15th, 2022 at approximately 10:32 a.m. Central

3 time for the remote deposition of Jennifer Sullivan in

4 the matter of Pork Antitrust Litigation. My name is

5 Jonathan Cruz, and I am the videographer and document

6 tech on behalf of Lexitas. All appearances will be

7 noted on the stenographic record. Will the court

8 reporter please swear in the witness.

9 JENNIFER SULLIVAN,

10 having been first duly sworn, testified as follows:

11 EXAMINATION

12 QUESTIONS BY MR. RIPA:

13 Q. Ms. Sullivan, my name is John Ripa. I

14 represent Seaboard Foods, one of the defendants in this

15 case.

16 (Discussion off the record)

17 Q. (By Mr. Ripa) Good morning, Ms. Sullivan. I'm

18 John Ripa. I represent Seaboard Foods in this case.

19 Thanks for your time today. It's nice to meet you.

20 A. Nice to meet you.

21 Q. So before we get started today I just need to

22 go over a few formalities and ground rules. So can we

23 start just by having you state your full name for the

24 record, please.

25 A. Jennifer Lee Sullivan.

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1 Smithfield for pork chops?
 2 **A. Just the store brand. But I don't know. It**
 3 **would be Cub Foods but, you know, it doesn't -- it just**
 4 **says the Cub Foods sticker.**
 5 Q. Okay. And how about for your boneless hams?
 6 MS. WANG: Same objection.
 7 **A. Same with the ham. It would be Hormel or the**
 8 **store brand.**
 9 Q. (By Mr. Ripa) What about bacon?
 10 MS. WANG: Object to form.
 11 **A. The Hormel bacon.**
 12 Q. (By Mr. Ripa) Okay.
 13 **A. Then do you want the roasts?**
 14 Q. Yes.
 15 **A. Oh, the roasts, Smithfield, are the same. And**
 16 **then the deli sliced meat also, that's always different.**
 17 Q. It's always different. So I think I heard you
 18 say -- I'm sorry. What?
 19 **A. Oh, the Jimmy Dean's is the sausage links.**
 20 Q. Oh, okay. So I don't see sausage links on
 21 column C here. But are you saying, so you bought
 22 sausage links as well? Should that be in column C as
 23 well?
 24 **A. Correct.**
 25 Q. Would that have been -- what frequency would

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1 you have bought those on during the class period?
 2 **A. Oh, boy.**
 3 MS. WANG: Object to form.
 4 **A. Up until two years ago at least once a month,**
 5 **yes.**
 6 Q. (By Mr. Ripa) What about the Schweigert label
 7 there in that column, what is that?
 8 **A. That's lunch meat.**
 9 Q. And what about Hillshire Farm?
 10 **A. Hillshire Farm. Why am I having a brain fart**
 11 **on this? Hillshire fire, I don't know why I'm having a**
 12 **brain -- I'm spacing on this one.**
 13 Q. Okay.
 14 **A. And Oscar Meyer is hot dogs. That's also not**
 15 **on there. What these are are the receipts that I had.**
 16 Q. These names here, the Hormel, Smithfield, Jimmy
 17 Dean's, those are --
 18 **A. Yes.**
 19 Q. So are there pork products that are named
 20 brands that you bought during the class period that
 21 would have been outside of what's named here
 22 potentially?
 23 MS. WANG: Object to form.
 24 **A. These are the receipts that I had, but I didn't**
 25 **have hot dogs on here or sausage on here.**

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1 Q. (By Mr. Ripa) Okay. But you bought hot dogs
 2 and sausage?
 3 **A. Correct.**
 4 Q. Looking to the -- still on row 79, just to the
 5 right of the column we were just looking at, columns H
 6 and I, do you see that they are empty for row 79?
 7 **A. Yes.**
 8 Q. And if you go all the way to the top of the
 9 document, I can represent to you that columns H and I
 10 are labeled Hog Producer and Hog Processor. But you can
 11 look at the top of appendix A if you want to check that
 12 for yourself.
 13 **A. Okay.**
 14 Q. Do you see that?
 15 **A. Yes.**
 16 Q. Do you know what a hog producer is?
 17 MS. WANG: Deposit.
 18 **A. The farmer.**
 19 Q. (By Mr. Ripa) Okay. I'm sorry?
 20 **A. The farmer.**
 21 Q. So do you know what a hog processor is?
 22 MS. WANG: Object to form.
 23 **A. Who processes the meat.**
 24 Q. (By Mr. Ripa) Do you know which hog producer
 25 produced the hogs that are used in the pork products you

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1 bought on this appendix?
 2 **A. No.**
 3 MS. WANG: Objection, calls -- sorry.
 4 Jen, if you'll just give a moment after his questions,
 5 give me an opportunity to object before answering.
 6 **THE WITNESS: Okay. Sorry.**
 7 MS. WANG: No worries.
 8 Q. (By Mr. Ripa) Do you know which hog processor
 9 processed the hogs that were used in the pork products
 10 you bought?
 11 MS. WANG: Object to form.
 12 **A. No.**
 13 Q. (By Mr. Ripa) So is it possible that a
 14 non-defendant hog producer produced the pork that you're
 15 claiming damages on in this case?
 16 MS. WANG: Object to form.
 17 Q. (By Mr. Ripa) Is that possible?
 18 MS. WANG: Object to form, calls for
 19 speculation.
 20 **A. Possible, I guess. But I don't know honestly.**
 21 Q. (By Mr. Ripa) Are the pork purchases listed in
 22 this row 79, are these the only purchases you're seeking
 23 damages on in this case?
 24 MS. WANG: Object to form.
 25 **A. Besides the bacon and the sausage are the other**

<p style="text-align: right;">Page 61</p> <p>1 two that I have purchased.</p> <p>2 Q. (By Mr. Ripa) So bacon's listed here. Did you</p> <p>3 mean hot dogs and sausage?</p> <p>4 A. Sorry. Yes, hot dogs and sausage.</p> <p>5 Q. Okay. So you're seeking damages in this case</p> <p>6 on hot dogs and sausage as well, those purchases?</p> <p>7 MS. WANG: Object to form, misstates</p> <p>8 testimony.</p> <p>9 Q. (By Mr. Ripa) Am I understanding that right?</p> <p>10 A. I'm sorry. I don't understand what you're</p> <p>11 asking.</p> <p>12 Q. Yeah. No problem.</p> <p>13 So row 79 in appendix A that we're looking</p> <p>14 at here, are you seeking damages in this case for any</p> <p>15 pork purchases that are not represented on this row?</p> <p>16 MS. WANG: Object to form.</p> <p>17 A. Yes. I have purchased other items that are not</p> <p>18 listed.</p> <p>19 Q. (By Mr. Ripa) Okay. Do you have receipts for</p> <p>20 those items?</p> <p>21 A. I will look. Yes, I will look but not back</p> <p>22 from 2008, if you need them.</p> <p>23 Q. Between January 2009 and the present, I just</p> <p>24 want to ask about whether you made purchases of the</p> <p>25 following types of pork products outside of the ones</p>	<p style="text-align: right;">Page 63</p> <p>1 Q. (By Mr. Ripa) Okay. What about pork jowls, is</p> <p>2 that something you've ever purchased?</p> <p>3 A. No.</p> <p>4 Q. What about pork ribs?</p> <p>5 A. Yes, but not on a monthly basis.</p> <p>6 Q. Okay. How often would you purchase pork ribs</p> <p>7 during the class period?</p> <p>8 A. Probably -- in the whole class period probably</p> <p>9 five times in all them years.</p> <p>10 Q. Okay. Do you have a recollection of where you</p> <p>11 bought those pork ribs?</p> <p>12 MS. WANG: Object to form.</p> <p>13 A. Either Cub or Sam's.</p> <p>14 Q. (By Mr. Ripa) What about ground pork? Did you</p> <p>15 make any ground pork purchases during the class period?</p> <p>16 MS. WANG: Objection, form.</p> <p>17 A. Sausages but not ground pork. Just plain</p> <p>18 ground pork, no.</p> <p>19 Q. (By Mr. Ripa) Okay. Pepperoni?</p> <p>20 A. What was that?</p> <p>21 Q. Pepperoni?</p> <p>22 A. Have I purchased pepperoni?</p> <p>23 Q. Uh-huh.</p> <p>24 A. Yeah.</p> <p>25 Q. Okay. How often would you purchase pepperoni</p>
<p style="text-align: right;">Page 62</p> <p>1 that are listed on row 79 here.</p> <p>2 We've talked about hams. Did you buy any</p> <p>3 pork loins?</p> <p>4 MS. WANG: Object to form.</p> <p>5 A. Loin, no, no, unless it's a roast.</p> <p>6 Q. (By Mr. Ripa) Did you buy any pork shoulders?</p> <p>7 MS. WANG: Object to form.</p> <p>8 A. Yes.</p> <p>9 Q. (By Mr. Ripa) Do you recall what brand of pork</p> <p>10 shoulders you purchased?</p> <p>11 MS. WANG: Object to form.</p> <p>12 A. Cub Foods.</p> <p>13 Q. (By Mr. Ripa) How often did you buy pork</p> <p>14 shoulders during the class period?</p> <p>15 A. Once a month.</p> <p>16 MS. WANG: Same objection.</p> <p>17 Q. (By Mr. Ripa) Do you have an understanding of</p> <p>18 why pork shoulders are not listed on this appendix A if</p> <p>19 you bought those once a month during the class period?</p> <p>20 A. They're roasts.</p> <p>21 Q. Okay. So you would include pork shoulder under</p> <p>22 pork roasts?</p> <p>23 MS. WANG: Object to form.</p> <p>24 A. Yeah. That's what I had said at the beginning,</p> <p>25 if the pork shoulder is a roast.</p>	<p style="text-align: right;">Page 64</p> <p>1 during the class period?</p> <p>2 A. Okay. We're really getting into this.</p> <p>3 MS. WANG: Object to form.</p> <p>4 A. Pepperoni. Pepperoni, a few times a year.</p> <p>5 Q. (By Mr. Ripa) And where would you purchase</p> <p>6 that from?</p> <p>7 A. Cub Foods.</p> <p>8 MS. WANG: Object to form.</p> <p>9 THE WITNESS: Sorry.</p> <p>10 Q. (By Mr. Ripa) No worries. And how about</p> <p>11 salami?</p> <p>12 A. Yes.</p> <p>13 Q. How often would you purchase salami?</p> <p>14 A. Along with the deli meats.</p> <p>15 Q. So once a month?</p> <p>16 A. No. The deli meats once a week.</p> <p>17 Q. Oh, excuse me. So you purchased salami once a</p> <p>18 week?</p> <p>19 A. Yes, correct.</p> <p>20 Q. Okay. Where would you purchase that from?</p> <p>21 A. At Cub Foods.</p> <p>22 Q. Is there any other type of pork product that we</p> <p>23 haven't just talked about that you purchased during the</p> <p>24 class period?</p> <p>25 MS. WANG: Object to form.</p>